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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/509,323 | 05/31/2005 | Hiroaki Matsuno | 259979US0PCT | 7538 |
| 22850 7590 04/24/2007 OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314 | | | EXAMINER CHOI, FRANK I | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 1616 | |

| SHORTENED STATUTORY PERIOD OF RESPONSE | NOTIFICATION DATE | DELIVERY MODE |
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| 30 DAYS | 04/24/2007 | ELECTRONIC |

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Commissioner for Patents

DECISION ON PETITION FOR ACCEPTANCE OF COLOR DRAWINGS/ PHOTOGRAPHS UNDER 37 CFR 1.84(A)

The Applicant filed a petition for acceptance of color drawings/photographs under 37 CFR 1.84(a) on November 29, 2006.

Section 1.83(a)(2) states in pertinent part as follows:

(2) Color. On rare occasions, color drawings may be necessary as the only practical medium by which to disclose the subject matter sought to be patented in a utility or design patent application or the subject matter of a statutory invention registration. The color drawings must be of sufficient quality such that all details in the drawings are reproducible in black and white in the printed patent. . . . The Office will accept color drawings in utility or design patent applications and statutory invention registrations only after granting a petition filed under this paragraph explaining why the color drawings are necessary. Any such petition must include the following:

- (i) The fee set forth in § 1.17(h);
- (ii) Three (3) sets of color drawings;
- (iii) An amendment to the specification to insert (unless the specification contains or has been previously amended to contain) the following language as the first paragraph of the brief description of the drawings:

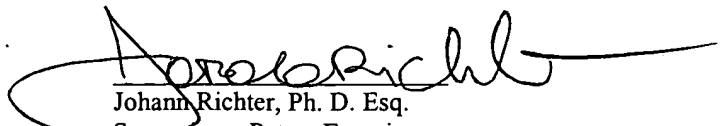
The patent or application file contains at least one drawing executed in color. Copies of this patent or patent application publication with color drawing(s) will be provided by the Office upon request and payment of the necessary fee.

Further, MPEP Section 608.02 [R-3] (VIII) states in pertinent part as follows:

It is anticipated that such a petition will be granted only when the U.S. Patent and Trademark Office has determined that a color drawing or color photograph is the only practical medium by which to disclose in a printed utility patent the subject matter to be patented

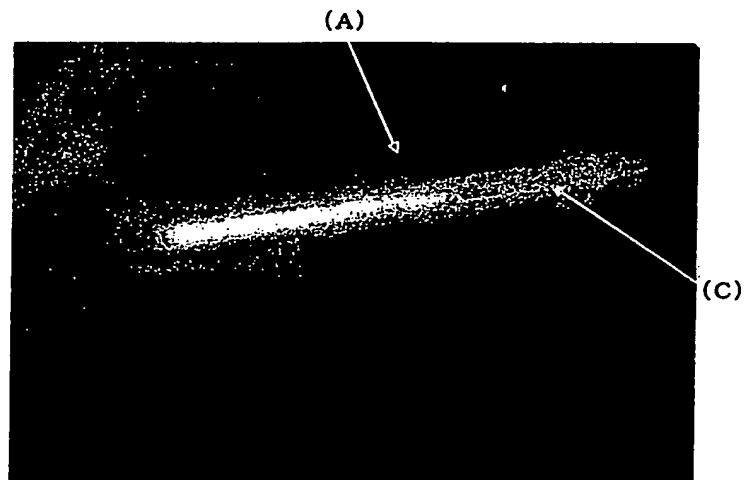
Although the Applicant has submitted the fee, three (3) sets of coloring drawings and said amendment, the Applicant's petition fails to set forth reasons why the color drawings are necessary. Further, a comparison of the black and white photocopies of the color drawings (copies of which are provided herewith) with the color drawings establishes that the color drawings are not of sufficient quality such that all details in the drawings would be reproducible in black and white in a printed patent.

In light of the above, the petition for acceptance of color drawings/photographs under 37 CFR 1.84(a) is DENIED.

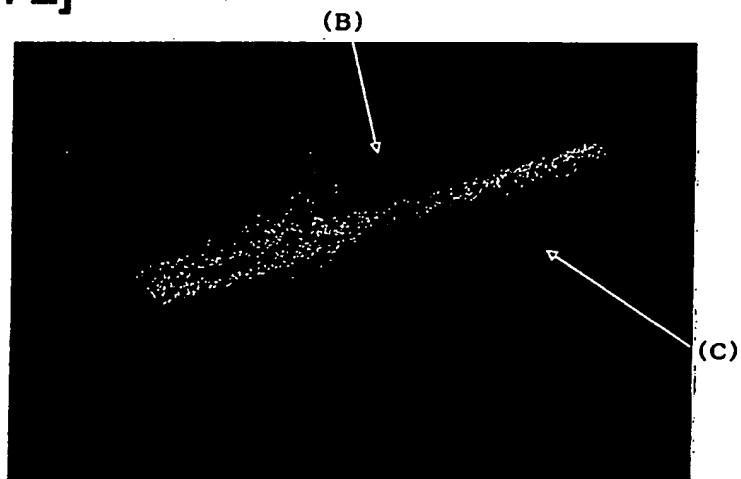

Johann Richter, Ph. D. Esq.
Supervisory Patent Examiner
Technology Center 1600
(571)272-0646

OBLON ET AL (703) 413-3000
DOCKET # 259979US O PCT
INV. Hiroaki MATSUNO et al.
USSN 10/509,323
Reply to O.A. DATED June 2, 2006
REPLACEMENT SHEET(S)

[Fig. 1]



[Fig. 2]



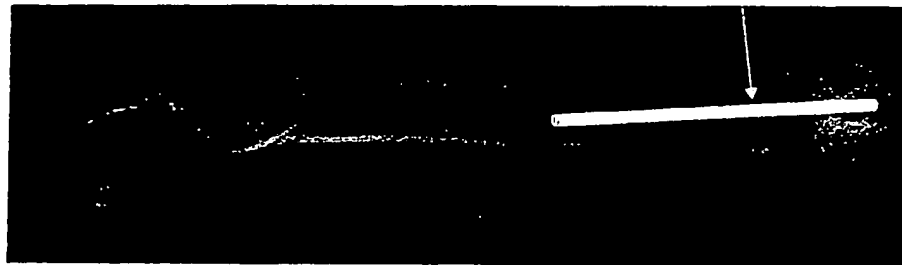
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[Fig. 5]

(D)



[Fig. 6]

(D)



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[Fig. 7]



[Fig. 8]



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[F i g . 9]



[F i g . 10]

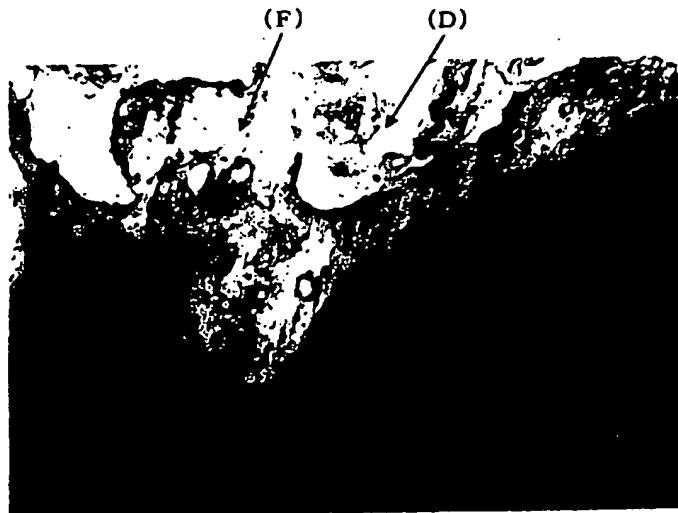


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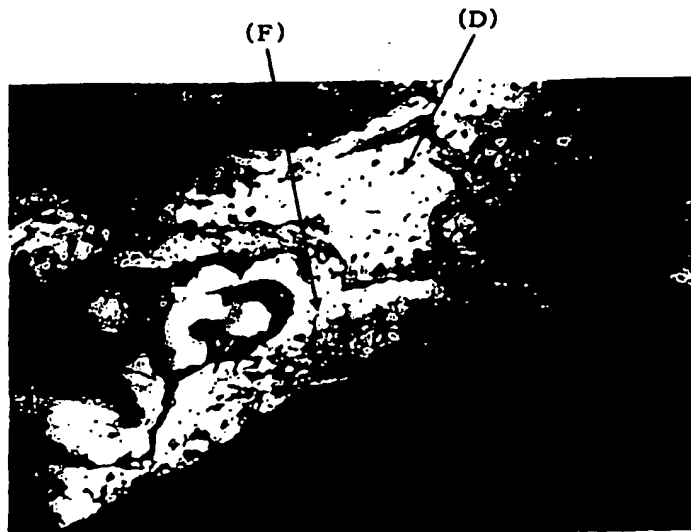


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[Fig. 11]



[Fig. 12]

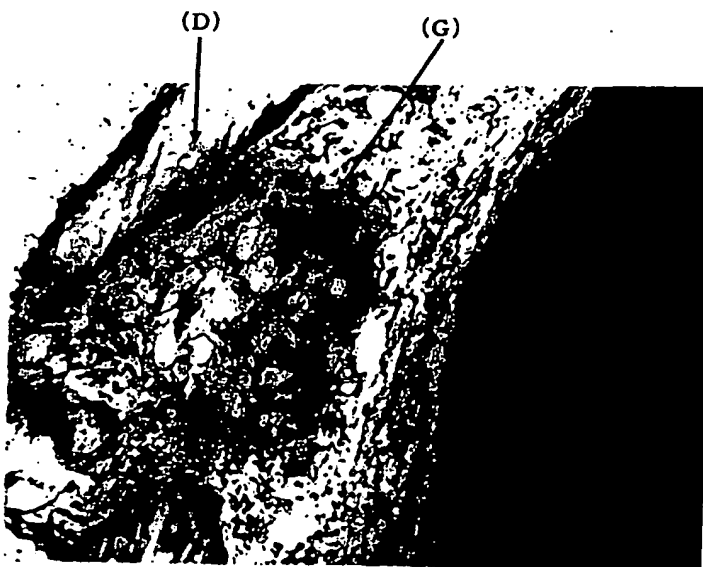


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[Fig. 13]



[Fig. 14]



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